

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL B. ESHELMAN, D.D.S.; PETER F.
SILCHER, D.D.S.; and LORI I. SILCHER,

Plaintiffs,

v.

ORTHOCLEAR HOLDINGS, INC. a British
Virgin Islands Company; ORTHOCLEAR,
INC., a Delaware Corporation; MUHAMMAD
ZIAULLAH CHISHTI, an individual;
HUA FENG "CHARLES" WEN, an individual;
PETER RIEPENHAUSEN, an individual;
ARTHUR T. TAYLOR, an individual;
SAIYED ATIQ RAZA, an individual;
CHRISTOPHER KAWAJA, an individual;
PATRICIA HUMELL SEIFERT, an individual;
JOSEPH BREELAND, an individual;
MUDASSAR RATHORE, an individual;
PAUL BADAWI, an individual; 3i
TECHNOLOGY PARTNERS III, LP, a
Limited Partnership; and DOES 1 through 25,
inclusive,

Defendants.

No. C 07 1429 JSW

Action Filed: March 12, 2007

STIPULATION AND ~~[PROPOSED]~~
ORDER SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3.5:

The parties agree to participate in the following ADR process:

Court Processes:

Non-Binding Arbitration (ADR L.R. 4)

Early Neutral Evaluation (ENE) (ADR L.R. 5)

√ - Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

√ - the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

other requested deadline _____

Concurrence in the filing of this Stipulation has been obtained by the other signatories, except for Defendants Chishti, Wen, Riepenhausen, Taylor, Raza, Seifert, Breeland, and Rathore, whose approval is pending.

DATED: July 20, 2007

LAW OFFICES OF ALAN W. SPARER

By: _____ /s/
ALAN W. SPARER

Attorneys for Plaintiffs
MICHAEL B. ESHELMAN, D.D.S.; PETER F.
SILCHER, D.D.S.; and LORI I. SILCHER

1 DATED: July 20, 2007

GENERAL COUNSEL OF OCUMENTA, INC.

2
3 By: _____/s/
PAT COSTELLO

4 Attorney for OCUMENTA, INC. AND
5 OCUMENTA HOLDINGS, INC. (F/K/A
6 ORTHOCLEAR, INC. AND ORTHOCLEAR
7 HOLDINGS, INC. respectively), and as an agent for
Defendants other than KAWAJA, BADAWI and 3i

8 DATED: July 20, 2007

ROPES & GRAY LLP

9
10 By: _____/s/
PETER L. WELSH

11 Attorneys for Defendants 3I TECHNOLOGY
12 PARTNERS III, LP and PAUL BADAWI

13
14 DATED: July 20, 2007

MCDERMOTT WILL & EMERY

15
16 By: _____/s/
JENNIFER L. KLEM

17 Attorneys for Defendant CHRISTOPHER
18 KAWAJA

No. C 07 1429 JSW